

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SPINY DOGFISH AND COASTAL SHARKS MANAGEMENT BOARD**

Doubletree Hotel Crystal City
Arlington, Virginia
February 20, 2006

ATTENDANCE

Board Members

George Lapointe, ME DMR
Sen. Dennis Damon, ME Leg. Apte.
G. Ritchie White, NH Gov. Apte.
Rep. Dennis F. Abbot, NH Leg. proxy
Dr. David Pierce, MA DMF
William Adler, MA Gov. Apte.
Vito Calomo, proxy, MA Leg. Apte.
Mark Gibson, Rhode Island DEM
Jerry Carvalho, proxy, RI Leg. Apte.
Eric Smith, CT DEP
Brian Culhane, New York Leg. Apte.
Pat Augustine, **CHAIR**, NY Gov. Apte.
Peter Himchak, NJ F&W
Erling Berg, NJ Gov. Apte.
Craig Shirey, DE F&W
Bruno Vasta, MD Gov. Apte.

Howard King, Maryland DNR
Russell Dize, proxy, MD Leg. Apte.
Jack Travelstead, VA MRC
Kelly Place, proxy, VA Leg. Apte.
Catherine Davenport, VA Gov. Apte.
Louis Daniel, NC DMF
William Wainright, proxy, NC Leg. Apte.
Damon Tatem, NC Gov. Apte.
Malcolm Rhodes, SC Gov. Apte.
Mel Bell, SC DNR
Spud Woodward, GA DNR
Gil McRae, Florida FWC-FMRI
April Price, FL Gov. Apte.
Harold Mears, NMFS
Margo Schulze-Haugen, NMFS HMS

Staff

Nancy Wallace
Toni Kerns
Bob Beal

Guests

Christian H. Roger, VIMS-Sea Grant
Terry Stockwell, ME DMR
Alan Risenhoover, NMFS
Tom Meyer, NMFS
Karyl Brewster-Geisz, NMFS HMS
Sean McKeon, NCFA
Greg DiDomenico, GSSA
Bob Ross, NMFS NERO

Peter Burns, NMFS
Paul Caruso, MA DMF
Wallace Jenkins, SC DNR
Ryan Woodward, UMCES-CBL
Lisa Kerr, UMCES-CBL
Megan Caldwell, NMFS HMS
Sonja Fordham, Ocean Conservancy

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SUMMARY OF MOTIONS

1. Move to approve DE, SC, GA, FL, and ME *de minimis* status.

Motion made by Mr. Calomo, second by Mr. Vasta. Motion carries without opposition.

2. Move to approve the 2004-2005 Spiny Dogfish FMP Review.

Motion made by Mr. Calomo, second by Rep. Abbott. Motion carries without opposition.

3. Move to approve Francis Blount, Stephen Segerson, Steve Wittthuhn, Marty Buzas, James Donofrio, Daniel Dugan, Ernest Bowden, Claude Bain, and Greg Hildreth to the Coastal Sharks Advisory Panel.

Motion made by Rep. Abbott, second by Mr. Berg. Motion carries without opposition.

4. Move to approve the PID as amended by Dr. Daniel's two questions and include language regarding assessment uncertainty.

Motion made by Mr. Lapointe, second by Mr. Woodward. Motion carries without opposition.

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**WELCOME/CALL TO ORDER/
BOARD CONSENT**

The meeting of the Spiny Dogfish and Coastal Shark Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the DoubleTree Hotel Crystal City, Arlington, Virginia, on Monday, February 20, 2006, and was called to order at 2:15 p.m., by Chairman Patrick Augustine.

CHAIRMAN PATRICK AUGUSTINE: I'd like to welcome you all this afternoon to the Spiny Dogfish and Coastal Shark Management Board. We have a couple of members, new members here today. We have a new representative from the state of Florida, Alice Price. Raise your hand, Alice -- April. I'm sorry. Well, I told you I'd have senior moments. That's the first one. George, you wanted to mentioned someone else.

MR. GEORGE LAPOINTE: I am. Your memory is going, Mr. Chairman. We're here to help, though, so that's all right.

CHAIRMAN AUGUSTINE: That's why I'm here.

MR. LAPOINTE: I want to introduce people to Terry Stockwell who is in the

back. This is Lew Flagg with a beard and hair. I'm happy to -- I hired Terry just around the beginning of the new year and so he is here to learn about our process so that he can do more of it. But if you have time introduce yourself and make him feel at home. Thank you.

CHAIRMAN AUGUSTINE: Thank you very much, George. Any other introductions? Mr. Calomo.

MR. VITO CALOMO: I just want to tell everybody I baked all weekend. I've got cookies up back. Please help yourself.

CHAIRMAN AUGUSTINE: You did good, Vito. And one more announcement, as you will notice, we have Nancy Wallace up here today helping us out with the bulk of the work that's got to be done. Ruth Christiansen had an opportunity to go on a little vacation because they're working her fingers to the bone so she's off this week and enjoying.

So please do not send Nancy any e-mails after this meeting. Send them all to Ruth and blame her. But with no further ado, please review the agenda. Are there any corrections or additions or changes? **Seeing none, the agenda is approved.**

We'd like to take this opportunity to welcome the public here today. If you have any comments at the time for making public comment please feel free to raise your hand. There is a public microphone at the end of this aisle on the left hand side. Hi, Sonja. And we'll move on with the proceedings of the November 2005 board meeting. Nancy, would you review those, please. Oh, we don't have them? Where are they? What did we do to them?

MS. NANCY WALLACE: You should

have all received those on the CD-Rom so they just need to be approved.

CHAIRMAN AUGUSTINE: Oh, okay. So, are there any corrections, additions or suggestions to approve them? Mr. Adler.

MR. WILLIAM A. ADLER: Motion to approve.

CHAIRMAN AUGUSTINE: Motion to approve. Do I have a second? Mr. Lapointe. Any discussion on that? Anyone not in favor of accepting those motions? It passed. What, George? What?

MR. MALCOLM RHODES: Just one correction. Malcolm Rhodes, South Carolina. I was at the meeting and just have the minutes show that.

CHAIRMAN AUGUSTINE: Thank you, Malcolm. Apparently you were very quiet and we didn't notice you were here. We apologize for that, not being on there. Thank you very much. Any other comments? Seeing none, the proceedings are approved.

PUBLIC COMMENT

Are there any public comments at this time? Remember, you will be able to make public comments as we go through the process. Seeing none, we'll move on to Number 4, compliance reports and FMP review. Nancy, would you please take us through those.

COMPLIANCE REPORTS AND FMP REVIEW

MS. WALLACE: Sure. Thank you, Mr. Chairman. I'm going to walk through the Spiny Dogfish FMP review and the compliance reports covering the second year

of implementation from May 2004 through April 2005.

Just a quick overview of the status of the FMP. The management board approved Addendum I last November and it was approved for multi-year management measures and specifications reset but with requirement for an annual review.

The management unit is the entire coast-wide distribution of the resource from the estuary eastward to the inshore boundary of the EEZ with states with declared interest are Maine through Florida.

Status of the stocks, currently spiny dogfish are overfished but overfishing is not occurring. You can see the female spawning stock biomass target and threshold there and we have been below the threshold since about 1999.

Continue on with the status of stocks. Discarding in the commercial industry is pervasive. Dead discards from the U.S. commercial fisheries were estimated to be between 14.1 and 29.3 million pounds, depending on the assumed discard mortality by gear type.

The pup recruitment is an important factor in evaluating the future status of the stock. The 2002 through 2004 pup biomass is estimated at 653 metric tons. A small increase was observed in 2005.

Here is a table of the status of the fishery, the 2004 state recreational landings and state commercial landings. They're from the MRFSS data using Type A plus B1 plus B2 tuned with assumed 100 percent release mortality in commercial landings, are from the NMFS weekly quota report dating.

Massachusetts landed the greatest portion of

the coast-wide commercial and recreational landings by weight. Virginia came in second for commercial landings and New Jersey came in second for recreational landings.

Here is the status of the fishery. The U.S. commercial landings of spiny dogfish for 2004 through 2005 were approximately 1.7 million pounds. The total U.S. commercial landings are about 99 percent female as you can see from this graph.

Status of the management measures and the issues. The management board approved a commercial quota of 4 million pounds with trip limits of 600 pounds for Period 1 and 300 pounds for Period 2 for the 2004 through 2005 fishing season.

This is a table that's found on Page 14 of the FMP review. It presents a summary of each state's compliance with the interstate FMP during the 2004 through 2005 fishing year. And it provides an update on the regulations for the current fishing year.

Prior to this meeting Ruth had not received the compliance reports for Massachusetts or New Jersey but I would like to say that they were both handed to me before the meeting. I think the Massachusetts one went around and New Jersey we'll make copies and get out to everybody.

So I'm sure Ruth will go back and evaluate those with the PRT to determine if they're in compliance. So we have the rest of the states' compliance reports for now but Massachusetts and New Jersey we do have them but we just haven't been able to review them yet.

Status of the management measures and issues. The biomedical harvest, regarding the biomedical harvest, Maine and New

Hampshire were the only two states to request an allowance for biomedical harvest permits for 2004 through 2005. For the current '05-'06 fishing year no biomedical harvest permits have been requested.

De minimis status. When the Spiny Dogfish FMP was originally implemented in 2003 Maine, Delaware, South Carolina and Georgia and Florida were granted de minimis status which requires that commercial landings comprise less than 1 percent of the coast-wide commercial total.

These states are requesting de minimis status again and continue to meet the FMP requirements for achieving this status. So after I conclude this presentation we would need a motion to grant those states de minimis status.

State compliance. All states with a declared interest in spiny dogfish have regulations in place that are compliant with the interstate FMP. So all the states that we did receive compliance reports for were found to be in compliance.

And we will just assess Massachusetts and New Jersey and have that ready for the next meeting. And that concludes the FMP review and the compliance report section of this presentation.

CHAIRMAN AUGUSTINE: Any comments from the board? Mr. Lapointe.

MR. LAPOINTE: Thank you, Mr. Chairman. Can you go back to the slide on the biomedical exemption, please? Maine didn't ask for it. My only point is that Maine didn't ask for one this year or last year. I need to, this might be one of those things that slipped between the cracks with Brother Flagg's retirement and so I'm going to check and get back to the commission

about that.

CHAIRMAN AUGUSTINE: Thank you. Any other comments? Okay, then we need a motion to take care of the recommendations the PRT made on de minimis status. We have de minimis status recommended for: Maine, again, we'll hold on George; Delaware, South Carolina, Georgia and Florida. Do I have a motion?

MR. CALOMO: So moved.

CHAIRMAN AUGUSTINE: Vito Calomo.

MR. DENNIS ABBOTT: Second.

CHAIRMAN AUGUSTINE: Who's that? Dennis Abbott seconded. Comments on the motion. Seeing no comments on the motion, anyone opposed to the motion. Seeing none, the motion carries. Thank you.

I will now entertain a motion for the FMP approval. Motion anyone? Oh, Mr. Adler, thank you, sir. Mr. Vasta seconds that. Discussion on the motion. April, April, don't blink. Any further discussion? Seeing none, opposed. The motion carries. Update now on Number 5, update on 2006 benchmark stock assessment, Nancy.

SPINY DOGFISH STOCK ASSESSMENT UPDATE

MS. WALLACE: Okay, I'm just going to give Toni a second to get that up there. The 2006 benchmark stock assessment, the assessment will be comprised of two meetings with the Northeast Fishery Science Center taking the lead on each. The working group will meet May 8th through the 12th in 2006 and the peer review is scheduled for the SARC 43 meeting June 6th through the 12th in 2006.

CHAIRMAN AUGUSTINE: Comments. Dr. Pierce.

DR. DAVID E. PIERCE: Yes, regarding the spiny dogfish assessment, attached to the division's, the Commonwealth of Massachusetts' compliance report is a memo that was written back in August 8, 2003.

This is a memo relevant to the review of the spiny dogfish assessment that was available at that time. And as chair of the New England Spiny Dogfish Committee at that time, working on behalf of the committee, these questions were forwarded to the Spiny Dogfish Monitoring Committee for its consideration.

However, it was made known at the time that there was just no opportunity to have these questions answered, to have them be addressed. So it seems that now because we have a full blown spiny dogfish assessment finally underway this year that it would be appropriate to have these questions addressed by those who will be doing the spiny dogfish assessment.

So, Mr. Chairman, I would suggest that if there is no objection by the board these questions be forwarded to those who will be doing the assessment so that they can be addressed.

CHAIRMAN AUGUSTINE: Fine, I see no reason why not. Any comments from board members? Yes, Mr. Mears.

MR. HARRY MEARS: Thank you, Mr. Chairman. I have not had a chance to read over the three pages but my question is whether or not the technical committee has recently taken a look at these questions with regard to the scope of work and the terms of reference for the assessment that is coming

up in June. In other words, is there a position by our own technical committee on these questions?

CHAIRMAN AUGUSTINE: Thank you, Mr. Mears. Mr. Beal, do we have any idea whether or not our technical committee has had an opportunity to look at some of these questions posed by Dr. Pierce, to review the spiny dogfish assessment? Probably not, but would you say they haven't or?

MR. ROBERT E. BEAL: Not to my recollection.

CHAIRMAN AUGUSTINE: Okay, could we go ahead. Dr. Pierce.

DR. PIERCE: If I may. I should emphasize that Paul Rago who does the dogfish assessment was very receptive to these questions when they were posed to him back in 2003. But, again, he wasn't in the position to address them because there was no dogfish assessment, full blown assessment, being done.

So now it's happening so it seems appropriate at this time to have him address those particular questions since they're not questions that relate to new assessment techniques. They just get to the assessment itself that has been used for so many years.

CHAIRMAN AUGUSTINE: Thank you. Mr. Smith.

MR. ERIC SMITH: I'm basically in support of the suggestion that they be requested or asked in the assessment. I mean, I'd always welcome a technical committee's position on questions and how long they're going to take to answer but I'm more important, it's more important to me to know that if a management board member has these questions and we're leading up to

a benchmark assessment they ought to be asked no matter what the technical committee says.

So I'd welcome the review. But I don't think it's defining for us. If we think it's a good idea that those kind of key questions, which we spent a lot of time talking about three years ago, now is the time to do it and now is the time to get those questions answered. Thank you.

CHAIRMAN AUGUSTINE: Very good point. Mr. Lapointe and then Dr. Gibson.

MR. LAPOINTE: I share people's sentiment that in fact the questions should be asked but they should be posed to the SAW/SARC Steering Committee I believe because they're the ones who put together the terms of reference for the benchmark assessments, do they not?

CHAIRMAN AUGUSTINE: I assume they did, yes.

MR. LAPOINTE: Okay, anyway, so just, I mean the technically correct thing is to send the questions to the steering committee because they're the ones who put together the terms of reference which involve these kind of questions.

CHAIRMAN AUGUSTINE: I believe you're absolutely correct. Dr. Gibson and then Mr. Mears.

DR. MARK GIBSON: Thank you, Mr. Chairman. It strikes me that these questions were, a number of them were posed around the last assessment. And I'm wondering if they're going to be relevant in the context of a new assessment which I presume is governed by terms of reference.

So I would just suggest that the author look

through these and see which ones remain relevant in an updated assessment, a complete update versus which ones may have been appropriate for the conclusions of the last one.

CHAIRMAN AUGUSTINE: Thank you for that clarification. Dr. Pierce.

DR. PIERCE: Yes, unless the new dogfish assessment is going to take an entirely different approach and go in an entirely different direction, then all these questions would be appropriate. They would be relevant.

I think as we know Paul Rago has done a splendid job over the years “turning the crank,” so to speak, generating new numbers using the same assessment methodology. So clearly this can be offered up. And if indeed they feel that they’re no longer relevant then they’ll tell us they’re no longer relevant. But I suspect that they will be.

CHAIRMAN AUGUSTINE: Thank you. Can we make this list available to our — Mr. Beal.

MR. BEAL: Well, as luck would have it, we are fortunate enough to have a previous staffer in the back of the room. And the technical committee has taken a look at some of these questions that are included in the list from Dr. Pierce.

So it may be appropriate to have the tech committee go back and look at these questions again and determine which ones are still relevant and kind of pare it down a little bit and see which ones are still, which ones have not yet been addressed and then we can forward that on to the folks doing the benchmark stock assessment if that’s acceptable.

CHAIRMAN AUGUSTINE: Okay, Mr. Mears. Thank you, Mr. Beal.

MR. MEARS: Yes, I would endorse that approach. But as we, some of us know, the SARC is still undergoing the transition from the SARC as we used to know it. My understanding is there is no longer a SARC Steering Committee, per se.

What used to be done by that group is now done through the NRCC, the Northeast Regional Coordinating Council. And the Executive Director is a member on the NRCC so that would be in our appropriate conduit, I would say, to formally incorporate whatever decision is made in this group to be incorporated, to be provided to the working group that is due to meet in the near future. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Mr. Mears. Any further comments from the board? Seeing none, we’ll move ahead. Dr. Pierce.

DR. PIERCE: Just a clarification. So what is going to be the action taken or how, who will receive these questions for screening? Is that the way to term this?

CHAIRMAN AUGUSTINE: That’s a good term, Dr. Pierce. Mr. Beal.

MR. BEAL: Well, my understanding is that the questions would go back to the technical committee probably via conference call in the very near future.

The tech committee would then pare then down to determine which ones have been addressed or have not been addressed and then they will take the shortened list, presumably, to the NRCC for incorporation into the terms of reference for the upcoming stock assessment.

DR. PIERCE: Well, the upcoming stock assessment is upcoming. It's going to happen very soon. I suspect that the scientists are working on it now. So any delay would be, well, not very fruitful.

It would, I think, hinder the process whereby they will receive these questions for them to address. These, I can assure you that these questions have not been answered and they are all relevant.

And I don't know. I would hate to see someone shortstop this and have no questions be forwarded on because they're considered to be, what, untimely or inappropriate? They're all quite appropriate.

And, as I said, you know Paul Rago has already received these questions in previous years and he was willing to address them but he didn't have the time because of other activities, all of his many, all the activities he's involved in.

So this will be of no surprise. He will just finally get them in a more formal way as opposed to -- and basically it was a formal way back then with the Dogfish Committee offering up those questions to the Spiny Dogfish Monitoring Committee. So this, well.

CHAIRMAN AUGUSTINE: I think your point is well taken, Dr. Pierce. I think what Bob will do is he will probably convene through a conference call as quickly as possible, maybe this week, I don't know. I know what your timetable is. It's insane. But if you can't, somehow at least have them review these quickly.

I really think it would be important, Dr. Pierce, if we, if you at least went down through the list as you are aware of what

questions have been asked or are presently being reviewed. Okay, then I guess we will leave it up to the technical committee, Bob. And if you would move forward with it. Do you want to respond to the rest of that?

MR. BEAL: Yes, we can get the technical committee together in the very near future, depending on their availability, via conference call. And then provide their feedback back to this management board.

And if the management board has any concerns or feels that they've pared down the list beyond what it actually should be or maybe they all are still contemporary and have not been addressed, then that's fair as well.

So I think we can turn it around pretty quickly via correspondence and get it back, get it forwarded to the SARC chairman as well as the NRCC for inclusion in the upcoming assessment.

CHAIRMAN AUGUSTINE: I think that's pretty fast compared to where we could be. We could be looking at this six months from now. So we'll rely on Bob and the technical staff to move forward with it expeditiously. Any further comments or questions about spiny dogfish?

Seeing none, that part of the meeting is closed. We are now moving on to coastal sharks and the agenda for coastal sharks, we've already approved it but let's review it again, Items 6 through 9. Are there any additions to that agenda? Seeing none, we'll move along with Item 6, update committee membership. Nancy Wallace.

COASTAL SHARKS COMMITTEE MEMBERSHIP UPDATE

MS. WALLACE: Okay, we'll move into

the slide presentation of the Atlantic Coastal Shark's ASMFC Committee membership list. As you should see right now, you're getting passed out a bunch of different documents.

These include an update on the advisory panel for coastal sharks and the committee membership that we have. That was last updated I believe on this past Friday so it should be the newest version, different from what you received in the mailing.

It's very -- Ruth asked me to stress that it's very important that we get membership on these committees finalized as quickly as possible so we need everyone's cooperation in the upcoming weeks to get the last couple of names finalized.

Here is a list of the committee membership. And, as I said, this is being passed along with you. For the coastal sharks' TC there is eight confirmed -- I take that back. The confirmed members are on the left-hand side and the other names on the right-hand side are the assumed technical committee members.

These people were put on the coastal shark's TC a while ago when the idea was first brought up but they have not been confirmed. So we need to confirm the people on the right-hand side of the assumed technical committees. And Ruth is looking for a date of March 15th to get these names fully approved.

The next slide shows the plan development team members that are on -- we have three plan development team members so far that are confirmed -- and also the Spiny Dogfish Plan Development Team members.

And the Spiny Dogfish Plan Review Team members are also on this slide to show you

who could possibly move over into the coastal sharks. So, again, we have three names on the PDT for coastal sharks and they'd like to have some more.

So if you could take a look at those and get back to Ruth as soon as possible but no later than March 15th. And now I'm going to turn this over to Tina to talk about the advisory panel members.

CHAIRMAN AUGUSTINE: Tina, before you get started. I want to publicly thank Tina for her efforts in putting together the effort that she did to bring this to somewhat of a very healthy conclusion. I also want to congratulate and thank Dennis Abbott for his part and role of leading the advisory panel. So, Tina.

MS. TINA BERGER: Thank you. Before you, you have the names of several people who have been nominated to the Coastal Shark Advisory Panel. These folks represent traditional users. I just received one more nomination this morning from New Hampshire. Silas Gordon is a recreational fisherman who is being nominated to the Coastal Shark AP.

I'd ask after I finish my presentation that you all approve these folks to the Coastal Shark Advisory Panel. And other efforts, the advisory panel oversight committee has met with a subset of the Coastal Shark Management Board to solicit names who are non-traditional users to the advisory panel.

We have about six or seven names. And that group will be meeting in March to provide the names of two folks that they recommend to the board for final approval. You will be receiving an e-mail on that since the next board meeting will be in May.

And we anticipate that the advisory panel

will have to meet before then so hopefully we can deal with that business over e-mail if possible. That's all I have to say. Thank you.

CHAIRMAN AUGUSTINE: Any questions of Tina? Any comments at all? Okay, are we ready for a motion?

MS. BERGER: Yes, do you mind if I put the names of the folks?

CHAIRMAN AUGUSTINE: Mr. Abbott.

MR. DENNIS ABBOTT: Yes, thank you. The New Hampshire recommended appointee to the spiny dogfish, I gave you the wrong sheet. It's not Silas Gordon. It's Richard Ruais. It's my mistake.

MS. BERGER: Okay, my correction. So the Coastal Shark AP right now, the traditional users would be: Francis Blount Jr., Stephen Segerson for New York, Steven Witthuhn, New Jersey would be Marty Buzas and James Donofrio.

Delaware would be Daniel Dugan. Virginia would be Ernest Bowden and Claude Bain. Georgia would be Greg Hildreth. And, again, the new person from New Hampshire would be Richard Ruais. Thank you. R-u-a-i-s.

CHAIRMAN AUGUSTINE: Mr. Abbott.

MR. ABBOTT: Thank you, Mr. Chairman. **I make a motion to accept the submitted names.**

CHAIRMAN AUGUSTINE: Do I have a second? Mr. Berg, second. Mr. Adler, comment, please.

MR. ADLER: Yes, just before Tina leaves, is there room still on the advisory panel if

Massachusetts does have one person?

MS. BERGER: Most certainly.

MR. ADLER: All right, thank you.

CHAIRMAN AUGUSTINE: Thank you. Any other comments? Tina.

MS. BERGER: Actually, each state has up to two people to nominate.

CHAIRMAN AUGUSTINE: Okay, further comments. Okay, excellent job, Tina. Let's get on to the next item. Nancy, what are we into? Review and anticipated approval of draft public information document.

Oh, I'm sorry. Yes. We didn't vote on it. I asked if there was any discussion. Okay, any discussion on the motion? Any objection to the motion? Seeing none, the motion is approved. Mr. Mears.

MR. MEARS: Thank you, Mr. Chairman. We just went through a whole bunch of information real fast. But for sake of accuracy on the list of confirmed technical committee members for coastal sharks the last two names should be stricken: Eric Dolin and Paul Rago. They're on dogfish but not coastal sharks. Thank you.

CHAIRMAN AUGUSTINE: We've so indicated that. Eric Dolin and Paul Rago are off. Any further corrections? Dr. Pierce, do you want to put your name on?

DR. PIERCE: No, no thank you. On that list, Spiny Dogfish Plan Development Team members, take off Brain, Brain Kelley, a member of my staff. He is bright. And substitute for him Greg Skomal. That means Greg Skomal and Tina Moore would have to be the two different individuals who would

be both on the Plan Development Team and Plan Review Team.

CHAIRMAN AUGUSTINE: Spell his last name, please.

DR. PIERCE: And that then raises a question, that question being, is that the appropriate process? Is that format consistent with the way ASMFC does business with the plan development team and plan review teams because right now they'd have the same membership?

CHAIRMAN AUGUSTINE: Mr. Beal.

MR. BEAL: Yes, absolutely. Frequently what happens is the plan development team puts together an amendment or an FMP and then once that's finished they kind of morph into the plan review team that continues to monitor that plan as it's implemented so I think it's fine.

CHAIRMAN AUGUSTINE: Thank you, Mr. Beal. Any further questions or comments? Okay, we're back to Nancy Wallace. We're doing Item Number 7, review and anticipated approval of draft public information document.

APPROVAL OF PID

MS. WALLACE: Thank you, Mr. Chairman. This is the draft public information document for the Atlantic Coastal Sharks. We're going to go through the draft PID today and with the goal of approving this document for public review and comment.

The purpose of this document is to inform the public of the commission's intent to gather information concerning the fishery for Atlantic coastal sharks, provide an opportunity for the public to identify major

issues and alternatives relative to the management of coastal sharks.

The current federal management program right now has 19 prohibited shark species. The annual quota for the 2005 fishing year is 1,017 metric dressed weight for large coastal sharks and 454 metric tons dressed weight for small coastal sharks.

The quota is split between three trimester seasons: January 1st through April 30th, May 1st through August 31st, September 1st through December 31st. And the closure dates are announced when the quotas are expected to be met.

The commercial fishery requires directed or incidental permit. The directed permit allows for retention of 4,000 pounds dressed weight for large coastal species per trip, no directed retention limit for small coastal or pelagic species.

Incidental permit allows for retention of up to five large coastal species per vessel per trip and they also retain up to a total of 16 small coastal and pelagic species per vessel trip.

The recreational fishery requires an HMS angling permit. The charter/headboat vessels are required to retain an HMS charter/headboat permit, excuse me. Recreational fishers must land sharks with head, fins and tail attached.

Allowed to retain one shark of any allowed species per vessel trip with the minimize size of 54 inches. And they're allowed to retain one Atlantic sharpnose and one bonnethead shark per person per trip with no minimum size.

Currently the National Marine Fisheries Service proposes to improve coordination of

the conservation and management of tuna, swordfish, billfish and sharks by consolidating management of all HMS species into one FMP.

Regarding the states' management of coastal shark species, the HMS division manages HMS fisheries in federal waters and high seas while individual states establish regulations for HMS species in their own waters.

Commercial fishers holding federal shark permits are required to abide by federal regulations even when fishing in state waters. Those fishing exclusively in state waters and who choose not to hold a federal permit are constrained only by state fishing regulations.

The board has seen this slide before but it's a brief reminder of state management programs for coastal sharks when compared with the current federal coastal shark fishery regulations. Maine, New Hampshire and Rhode Island are lacking commercial and recreational shark fishery regulations.

Massachusetts, Connecticut, New York, Maryland, and North Carolina have similar shark fishery regulations as the federal government. New Jersey, Delaware, Virginia, South Carolina, Georgia and Florida have differing shark fishery regulations.

The status of the stock information is found on Pages 11 and 12 of the draft PID document. In general large coastal species are overfished with overfishing occurring; and small coastal species are not overfished and overfishing is not occurring. As you can see, the status determinations may differ for specific species found in large or small coastal complexes.

Data concerns. The stock status determination criteria, biological reference points presented as a range of values which can be difficult to determine whether a stock is overfished or overfishing is occurring without specific point estimates.

In the 2002 assessment, that's when the range came out. And I believe there is a letter that just was passed out to you from the National Marine Fisheries Service regarding this assessment. And I think we have some folks here at the end of the presentation if you have questions about that that hopefully can answer those.

This table is found on Page 14 of the draft PID. It presents a summary of coastal shark species, their range along the U.S. East Coast, and within management of purview of the commission. And the majority of species comprising commercial and recreational catches can be found in this table.

Okay, we're moving into the public comment issues addressed in the PID. Issue 1 is what are the appropriate management goals and objectives to be included in the interstate fishery management plan.

Currently as written the primary goal is to develop and implement an interstate fishery management program that is complementary with federal and international efforts to ensure self-sustaining coastal shark stocks.

There are also six objectives in the draft PID document that are found on Page 21. They are: to prevent or end overfishing; to rebuild over fished fisheries and control all components of fishing mortality; to minimize bycatch; to provide necessary data for assessing stocks and managing the fisheries; to better coordinate state conservation and management; to promote

the protection of areas identified as important habitat.

Next issue for public comment. Should the federal shark regulations be duplicated in state waters or should states be required to have complementary measures only? The third issue is what shark or species groups should be included in the interstate fishery management plan.

The fourth issue is what other issues should be included through the interstate FMP. We have a list of ones that have been included so far. These can be added to: fishing gear types and effort controls; habitat and habitat areas of particular concern; potential interaction with protected species; international catch, trade and import and export of shark products; economic and social aspects of coastal shark fisheries; bycatch; permitting and tournaments; continuing research and information needs.

This is a slide of the timeline of the development. As you can see, we are hopefully in the approval of the PID by the board. After the PID is approved it will go out for public review and comment followed by preparation of the draft FMP, approval of the draft FMP by board, out by public comment again, and then preparation of the final FMP with board approval.

And that concludes the presentation on the coastal shark PID. So what we're looking for is the board to approve it today with any -- but also to give us any changes that they'd like to see in it or additions.

CHAIRMAN AUGUSTINE: Thank you for that presentation, Nancy. Comments from the board. Dr. Daniel.

DR. LOUIS DANIEL: Thank you, Mr. Chairman, several things. I guess first if it's

all right I'd like to address the letter that just came around the table.

CHAIRMAN AUGUSTINE: Please do.

DR. DANIEL: Certainly appreciate that letter from Enric and Julie and would certainly love to hear some how those science data were translated into the management decisions that were made at some date and also would just indicate how pleased I am to have seen that assessment move into the SEDAR process.

It's a process we're using in the South Atlantic. I think it's going to result in a much, much better product and so I appreciate those responses from Julie and Enric.

As far as items and issues for this, and maybe this isn't the time to discuss this but I do know that the most recent shark assessment was completed. It has not undergone the peer review yet but many of the stock status determinations that were listed previously in the presentation have flip-flopped.

So now instead of large coastal complex being overfished and overfishing, they are no longer overfished and overfishing and all this kind of stuff so everything is kind of moving around a lot.

And certainly would love to have some clarification and I don't know what the timing is for a peer review of the small coastal assessment but certainly with the finetooth shark issue it's, the letter stating that finetooths are overfishing is contradictory to the assessment document.

And so there is a translation issue there that I think needs to be resolved you know in the process of the public information document.

And then, finally, Mr. Chairman, two recommendations for additional issues. And I've given copies of this to staff.

But in the South Atlantic at least the states of Georgia, North Carolina, certainly South Carolina and Florida, have been partners with us as well as the South Atlantic Council have tried to get some things done in shark management and been mostly unsuccessful thus far.

And I'm hoping that maybe with some recommendations to the secretary like we did for example with the weakfish plan we may be able to get some issues resolved that are important to us.

And so what I'd like to see are two issues that fall under recommendations to the secretary with the first one to be require that more restrictive state measures be extended into the federal waters off of that state if they so choose. That helps to address some of the drift gillnet issues that we've had in the southern part of the South Atlantic.

And then, finally, to require National Marine Fisheries Service to readdress current harvest reduction strategies to more evenly distribute the impacts of those reductions in affected states and fisheries.

The South Atlantic feels like we've been, there are some reductions and some restrictions that have been put into place in the South Atlantic that we believe is patently unfair, that there are other alternatives to more evenly distribute the reduction strategies across all fisheries and areas and we would like to see that be moved forward in this PID, Mr. Chairman.

CHAIRMAN AUGUSTINE: Thank you for that input. Margo, would you want to respond to any of that? He did indicate that

there appears to be some flip-flopping with the status of stock and so on and possibly the report so could you enlighten us on that and what your plan is in terms of making that information available to the public? George.

MR. LAPOINTE: I have a suggestion and it would be that aliens speak to us. It would be that the PID, I think Louis said that that review isn't out, hasn't been peer reviewed, has it?

DR. DANIEL: No.

MR. LAPOINTE: And rather than get into a discussion about what people are going to do about it, it would be that the public information document reflect the uncertainty and say that the information may change -- sorry, my mic, my little do-jammie right here, I apologize -- and just recognizing that the information may change and that how the management board addresses the stock status would change, you know, subsequent to that and before we go out to public hearing with the draft amendment. It strikes me that's an honest way of saying there is uncertainty and we don't have to argue about it this afternoon.

CHAIRMAN AUGUSTINE: Thank you. We can clarify that, George. Thank you. Any other comments? Didn't mean to shut you off. Go ahead.

MS. MARGO SCHULZE-HAUGEN: No, that's fine. Margo Schulze-Haugen. Just a couple of maybe timeline issues. We expect the peer review of the large coastal assessment to be completed this summer. And so we'll be reviewing that as it comes.

The stock assessment committee did meet I guess now two weeks ago so we have some of the results of that, although that report is

not yet final, either. We expect the small coastal shark assessment to also be conducted in a SEDAR-like fashion starting I believe at the end of this year and so possibly in 2007 that would be finalized.

And depending on the information that we have, Louis is correct that there were some changes in stock status determination based on the large coastal review that we would be updating our management plan based on that information as well.

And I guess I would, I find favor with George's comment about reflecting uncertainty. Certainly that's the case. There are a couple of sentences that we were hoping to possibly see rephrased in the PID based on that as well. I can get that you to separately.

CHAIRMAN AUGUSTINE: Thank you for that update, Margo. Appreciate it. Back to the approval of the draft public information document. Are there any further questions? Mr. Lapointe.

MR. LAPOINTE: Would it be appropriate for a motion at this point?

CHAIRMAN AUGUSTINE: It sure would. I was waiting for you to do it.

MR. LAPOINTE: Well, I'm working on it. I'm a little slower than you are, Mr. Chairman.

CHAIRMAN AUGUSTINE: I'm sorry.

MR. LAPOINTE: I would move that the Coastal Shark Management Board approve the public information document as amended by Dr. Daniel's two questions and with, giving staff discretion to use clarifying language on the stock status question and that we bring the public

information document out to public information meetings after it is completed.

CHAIRMAN AUGUSTINE: Thank you. That's a motion I think and we and clarify it. And Mr. Woodward seconded that motion. Mr. Daniel, Dr. Daniel.

DR. DANIEL: Just strike the "s" on the end of my name, please.

CHAIRMAN AUGUSTINE: But you're a plural. There are a lot of you. We'll just call you Daniel, then. Mr. Smith.

MR. SMITH: Are we able to give staff some technical corrections prior to it being final? Thank you.

CHAIRMAN AUGUSTINE: I was waiting for you. Thank you. Nancy.

MS. WALLACE: If the motion is approved would the board like to see by e-mail the revised public information document before it goes out to the public?

CHAIRMAN AUGUSTINE: Want it? I see a nodding of one head. Are there several heads doing this or just one? I see 3 heads out of 26 people.

MR. LAPOINTE: So the answer is yes.

CHAIRMAN AUGUSTINE: The answer is yes. The answer is yes. Thank you very much. Dr. Daniel.

DR. DANIEL: Thank you, Mr. Chairmans. I just want to make sure I'm clear on what George was saying in regard to the various assessments that are going on and the current stock status of many of these both small and large coastals because there is a lot of confusion.

And I think Enric's letter helps to clarify some of that and where some of the issues lie. But certainly if you look at the comments that are made for example on finetooth sharks in the public information document it does lend a lot of questions regarding their status.

And if you read the actual document, the small coastal shark assessment that's not slated now to be updated until sometime next year, we'll have a new peer reviewed assessment. That assessment basically indicates that the small coastal sharks and their component stocks are being harvested at a sustainable level and that we're okay. But yet our document is going out saying that we're overfishing finetooth sharks.

And the document actually cautions the reader of the assessment that results for the finetooth shark were directly influenced by problems with the catch statistics and that explains the low values of maximum sustainable yield and that you should be very careful when interpreting the results from that assessment.

Yet, on the other hand, we've got a group saying that they're overfishing. So, there is some concern there and that's not going to be resolved through an assessment for another year and a half perhaps.

Then we've got the other issue where the new assessment is going to indicate that the status of some of the sharks, particularly the dominant species that we're dealing with in the near shore waters, namely sandbars and blacktips, are going to change pretty dramatically in this updated assessment that's going to be reviewed in June.

And I just think that that's a very important issue for this board to be cognizant of when

we go out to public information document, knowing that a lot of this stuff is real squirrely, all right. And that's the concern I want to get some discussion on if anybody has any comments on.

CHAIRMAN AUGUSTINE: I think Mr. Lapointe might be able to address that. Mr. Lapointe.

MR. LAPOINTE: I don't know if I can address squirrely-ism-ness or not, Mr. Chairman, but it strikes me we've got two options. One is to say we're going to wait for the assessments to come out before we send the PID out. And I don't think that anybody wants to do that.

And secondly it is to get staff and some technical folks together and reword the document in the status of the stocks portion to reflect that squirrely-ness and go out to the public with that saying there is uncertainty.

And the, you know, and I wouldn't mind I mean people using the term the stock status may, I mean you probably wouldn't want to use "flip-flop" but you know may change from overfished to non-overfished and vice versa just give people an idea of the uncertainty.

And say that I guess my sense is that given the data we shouldn't, it shouldn't be that unexpected but that the follow-up management actions would change you know consistent with the assessment advice. And we have to recognize that and tell the public about it.

CHAIRMAN AUGUSTINE: Thank you for that clarification, George. Can we handle that, Nancy?

MS. WALLACE: I think that staff can

work with the folks from NMFS, the technical folks as well as Dr. Daniel and get some good language in there; and also to remind the board that this is just the public information document and that hopefully by the time the first draft of the FMP goes out we'll have had the stock assessment results and we'll be able to incorporate that into the draft FMP.

CHAIRMAN AUGUSTINE: Mr. Lapointe.

MR. LAPOINTE: It does raise questions. And I don't recall what the timeline said about the FMP amendment but this board should give consideration to when we put an amendment or when we do the FMP in regard to that stock status. We wouldn't want to finish the FMP next March and then have to go into a major change following the you know the assessment of the small coastal sharks later in the year.

CHAIRMAN AUGUSTINE: Good point. Could we address that through adaptive management somewhere in this, Bob?

MR. LAPOINTE: I think we should address it through, I mean just the FMP schedule and you know I mean if we have to slow down the process a little bit so that in fact we use the contemporary information we should consider that after the PID goes out.

CHAIRMAN AUGUSTINE: Excellent point. Ms. Fordham. Oh, I'm sorry, Margo Schulze-Haugen.

MS. SCHULZE-HAUGEN: I was just going to point out that the, I can double check the schedule on the small coastal assessment and when the review, the stock assessment committee may meet. That may give us at least some preliminary

information to move forward on, even though the peer review it wouldn't be final. But I can get that when, that schedule to you. Actually I may have it right now.

CHAIRMAN AUGUSTINE: Excellent. Thank you very much. Any more comments from the board at this point in time? If not, then from the public. Sonja Fordham. And welcome. You've been silent back there. Good to see you.

MS. SONJA FORDHAM: Sonja Fordham, the Ocean Conservancy. Thank you, Mr. Chairman. Just along, well, first I just want to say that the tables in particular in this document are very useful in terms of comparing the federal and state shark regulations. We've been trying to get such information for a long time. It's most useful.

Along the lines of the discussion, I wanted to suggest also or first point out that we're also waiting for a species-specific assessment for dusky sharks which are perhaps the most imperiled of the large coastal sharks.

NMFS has said that would be done by the end of 2005. I can, I have an opportunity in the next couple of days to ask them about this but I was hoping maybe you could put in a placeholder also for these dusky shark assessment results which I think are going to be forthcoming.

And you might know that dusky sharks have been a prohibited species since 1999 and yet, as you can see from your tables, are still being landed. I think that advice and ideas from state experts and state officials could be helpful in addressing this problem so I'm hoping that there can be a placeholder for dusky sharks. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Ms. Fordham. Dr. Daniel.

DR. DANIEL: Yes, and I failed to mention that as well and that certainly needs to be in the public information document. A lot of the restrictions, a lot of the stuff that's currently in place in many ways is to protect dusky sharks. And that assessment is going to be a critical piece of information in the overall shark management complex.

I guess one question, Mr. Chairman, before we approve this, though, as far as the question I think in the presentation on what sharks we wanted to include in this program. And I'm wondering if we just wanted to include all the large coastals and small coastals which is, how many species?

CHAIRMAN AUGUSTINE: We were trying to mirror, actually we were trying to mirror the National Marine Fisheries Service list.

DR. DANIEL: Right, that's what I'm saying.

CHAIRMAN AUGUSTINE: So, whatever is in their list as far as I can see is going to be mirrored. And if we've missed any I think in our final review of it we'll pick those up and put them in there if they're needed, if they need to be put in.

MS. SCHULZE-HAUGEN: The management plan manages 39 species. I believe there are 19 that are considered prohibited. The remainder are broken into large and small coastals and pelagics as well. Many pelagics don't occur so much in state waters, although they do in some.

I got a little update on the small coastal assessment. The data workshop will happen over next Halloween and so the stock

assessment committee will likely be roughly the same time, you know February time frame, next year with the final probably next June.

CHAIRMAN AUGUSTINE: Fine. Thank you for that update. Any further comments before we move? We've already moved on it but I'm ready for a vote if no further comments.

All in favor of the PID as either amended and/or discussed with any changes that have been noted please raise your right hand; thank you, opposed, same sign; zero; null votes; none; abstentions. The motion carries. Thank you all very much for that. We'll move on to the next item. We're at Item 8, update on the 2006 stock assessment. Nancy, do you have that?

2006 LCS ASSESSMENT UPDATE

MS. WALLACE: We have a slide for that. I think most of this was actually just covered in our conversation but just to go through it formally, the 2006 large coastal stock assessment, currently NMFS is conducting a new assessment for the large coastal shark complex including species-specific assessments for blacktip and sandbar sharks.

The data workshop was held October 31st through November 4th, 2005. The assessment workshop was conducted February 6th through the 10th in 2006. And the review workshop will be held June 5th through the 9th in Panama City, Florida. And the assessment for small coastal sharks is scheduled for 2007 but I think Margo just updated us on that.

OTHER BUSINESS/ADJOURN

CHAIRMAN AUGUSTINE: Okay, any comments? Pretty straightforward and clear.

At this point in time we're at Number 9, any other business to come before the board. Seeing none, I think I'll do this officially.

All in favor of adjourning, we'll entertain a motion. Who wants to make a motion? **Motion to adjourn by Mr. Abbott** and who would like to second that? Mr. Adler would like to second that. All in favor aye; opposed, same. Thank you all very much. We were very productive and you did a great job.

(Whereupon, the Spiny Dogfish and Coastal Shark Management Board meeting adjourned on Monday, February 20, 2006, at 3:10 p.m.)

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